

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GONZALO VALDOVINOS-BLANCO,

Plaintiff,

v.

CV 11-0436 MCA/WPL

LEE VAUGHN, Warden, Cibola County  
Correctional Center,

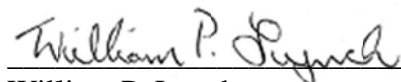
Defendant.

**ORDER GRANTING MOTION TO STRIKE**

Defendant has filed a motion to strike a document filed by Plaintiff titled "Plaintiffs' [sic] Opposition to the Defendants' [sic] Response and his Demand for a Trial by Jury of 12 Persons." (Doc. 44.) Defendant correctly states that no reply to an answer is permitted unless one is ordered by the court. FED. R. CIV. P. 7(a)(7). Here, no reply was ordered by the Court, so Plaintiff's reply was improper.

To allay some of Plaintiff's concerns, he will have an opportunity to respond to the affirmative defenses in his response to Defendant's *Martinez* report. (See Doc. 40.) Furthermore, if any trial occurs, the Court will ensure Plaintiff's presence.

IT IS THEREFORE ORDERED that the motion is granted and that Document 43, "Plaintiffs' [sic] Opposition to the Defendants' [sic] Response and his Demand for a Trial by Jury of 12 Persons," shall be stricken from the record.



William P. Lynch  
United States Magistrate Judge

A true copy of this order was served  
on the date of entry--via mail or electronic  
means--to counsel of record and any *pro se*  
party as they are shown on the Court's docket.